

**KENTUCKY COMMISSION
ON
SERVICES AND SUPPORTS
FOR INDIVIDUALS WITH INTELLECTUAL
AND OTHER DEVELOPMENTAL DISABILITIES**

**June 9, 2017
Public Health Suites A & B
275 E. Main Street
Frankfort, KY 40621**

MEMBERS PRESENT:

Deputy Secretary Tim Feeley
Commissioner Wendy Morris
Lynne Flynn for Commissioner Steve P.
Miller
Steve Shannon for Gayle J. DiCesare
D. Brandon Griffith
Missy R. McKiernan
Michael S. Smith

Andrew A. Venetianer
Karen F. Herdina
Katie Bentley for Pat Seybold
Julie Sweets
Shelley Runkle for Stella Beard
David Coons for Christopher George

MEMBERS ABSENT:

Senator Julie Raque Adams
Senator Tom Buford
Representative Joni Jenkins
Representative Larry Brown
Becky Cabe

Kathy Sheppard-Jones
Virginia (Jini) Payne
Rita D. Wooton
Berlinda Bazzell
Lynn Braker

WELCOME

Deputy Secretary Feeley opened the meeting and welcomed Commission members and members of the audience.

NEW MEMBER RECOGNITION

Deputy Secretary Feeley announced the appointment of Representative Larry Brown to the Commission. Representative Brown was unable to attend meeting. An updated Commission Membership List is a part of the Meeting Packet.

RECOGNITION OF DON PUTNAM

Former Commission Member Donald Putnam passed away April 5, 2017. Mr. Putnam was a long-time advocate for people with disabilities. He served on the HB 144 Commission representing family members of an adult with intellectual or other developmental disabilities from 2013 to 2016. Mr. Putnam was a contributing member of the Community Integration

Committee. His advocacy efforts extended beyond his work with the Commission as he worked on both a state and national level for the intellectual/developmental disability community. In memory of Mr. Putnam, a moment of silence was held.

REVIEW OF THE MINUTES

Minutes from the March 10, 2017 meeting were reviewed and approved. Motion to accept by Missy McKiernan. Second by Brandon Griffiths.

DISCUSSION OF PRIOR RECOMMENDATIONS

- The Department for Medicaid Services provided written responses to Recommendations submitted at the March 8 meeting by the Participant Directed Services (PDS) Committee.
- The written responses are contained in the Commission Member meeting packet.
- The responses are delegated to the PDS Committee for review and discussion.
- Commission members were encouraged to contact PDS Co-Chairs (Stella Beard and Brandon Griffiths) and Division of Developmental and Intellectual Disabilities Liaisons (Claudia Johnson and Barb Locker) with suggestions.
- Commission members who would like to become active members of the PDS Committee should contact DDID Liaisons Claudia Johnson and Barb Locker.

OFFICE OF HEALTH POLICY / DIVISION OF DEVELOPMENTAL & INTELLECTUAL DISABILITIES

- Dr. Carla Crane, Executive Advisor in the Office Health Policy and Cathy Lerza, Quality Assurance Program Administrator in DDID presented on Kentucky's Grant Initiatives Specific to Waivers.
- There are currently four grants within the Office of Health Policy that affect waivers:
 - Balancing Incentive Program (BIP)
 - Transforming State Long-Term Services and Supports Access Programs and Functions into A No Wrong Door System for All Populations and All Payers (also known as NWD grant)
 - Testing Experience and Functional Tools in Community-Based Long Terms Services and Supports (TEFT grant)
 - Substance Abuse and Mental Health Services Administration (SAMHSA): State Targeted Response to the Opioid Crisis Grant
- Balancing Incentive Program (BIP)
 - Purpose: "Balance" Kentucky's long-term care spending within communities as compared to facilities. "Balance" did not mean, "taking" money away from one level of service to another. It simply meant to balance the level of spending across out-of-home and in-home services.
 - Targeted Populations: any individuals served through Kentucky's HCB 1915c waivers. The grant provided a 2% enhanced match rate for Kentucky waiver expenditures.
 - Key Deliverables:
 - No wrong door entry into the system;
 - Conflict-free case management services;

- Core standardized assessment instruments.
 - Key Outcome(s):
 - Increased funding for additional “slots”
- Transforming State Long-Term Services and Supports Access Programs and Functions into A No Wrong Door System for All Populations and All Payers (also known as NWD grant)
 - Unique grant because it involved a federal level partnership between Centers for Medicare and Medicaid Services (CMS), Administration for Community Living (ACL), and Veterans Administration (VA).
 - Kentucky used the opportunity as a planning grant.
 - Funding was discontinued after Year 1.
 - Target populations: anyone seeking services in the Commonwealth.
 - Accomplished unique things in Kentucky:
 - Added Veteran specific services to the United Way 211 Call Center;
 - Assisted some western regions (Pennyrile, Pennyroyal, and Green River) to participate in a Readiness Review to begin providing Veteran Directed Home and Community Based Services;
 - Louisville region has begun their Readiness Review process.
- Testing Experience and Functional Tools in Community-Based Long Term Services and Supports (TEFT)
 - Target populations: any individual participating in a KY 1915c waiver;
 - Nine (9) states were awarded the grant;
 - Each state could determine which of the four (4) components to participate in. Kentucky is participating in all four (4) of the components;
 - Grant funding is over \$2 million;
 - Key Deliverables / Outcomes
 - Field tests an Experience of Care Survey for validity and reliability
 - The Experience of Care Survey was designed to be able to be completed in the various community based long-term services and supports programs serving people with all types of disabilities;
 - For the first round it was tested with several of our waiver populations;
 - For the second round, it is being tested with those receiving the HCB waiver.
 - Field test functional assessment items for validity, reliability, and usefulness for care planning
 - The Functional Assessment of Standardized Items (referred to as FASI) was also designed to be used with adults across disability populations;
 - Some of the Area Agencies on Aging (AAAs) are testing it with the HCB waiver population.
 - Demonstrate use of a Personal Health Record
 - The personal health record is built into benefind, Kentucky’s online system for applying for and coordinating public assistance;
 - Its functionality has been tested, but it is not available because there is no funding for training and ongoing support.
 - Meet national standards for electronic Long Term Services & Supports (eLTSS) use

- The Office of the National Coordinator for Health Information Technology (ONC) has partnered with CMS to identify standard service plan elements to enable electronic exchange of information relevant to the care of people receiving waiver services;
 - Kentucky, along with eight other states, is pilot testing an eLTSS service plan in conjunction with ONC's framework.
 - The elements of this framework have been built into the plan that is entered in Kentucky's Medicaid Waiver Management Application (MWMA).
- Kentucky Opioid Response Effort (KORE) Grant
 - In February 2017, Kentucky responded to a grant solicitation from the Substance Abuse and Mental Health Services Administration called the State Targeted Response to the Opioid Crisis grant.
 - This is a 2-year formula grant made possible through the Cures Act.
 - Kentucky awarded approximately \$10.5 million on May 1, 2017
 - Purpose is to:
 - Increase access to treatment, and reduce opioid overdose related death through prevention, treatment and recovery;
 - Supplement current opioid activities across the state; and
 - Support a comprehensive response to the opioid epidemic using strategic planning processes.
 - A statewide needs assessment is due July 31, 2017
 - A strategic plan is due August 30, 2017
 - Five percent of the award will be spent on administrative/infrastructure costs to administer the grant. A minimum of 80% of the remaining funds will be spent on treatment and recovery services. Services must begin no later than four (4) months of the award and the state is potentially eligible for another \$10.5 million the following year.

COMMITTEE REPORTS

- **Community Integration**
 - Missy McKiernan and Andrew Venetianer, Co-Chairs provided updates.
 - Committee met twice during the quarter.
 - Committee is focused on three main topics:
 - Definition for medically fragile/medically complex;
 - Waiver redesign; and
 - Transportation.
 - Have received information regarding potential definitions for the terms medically fragile and medically complex.
 - Committee encourages and supports consumer input continue in waiver redesign, particular in relation to waiting lists.
 - Transportation continues to be an issue of concern. Jeremy Thompson from the Transportation Cabinet continues to provide information to the Committee. The Committee is exploring how current providers may be able to become private auto providers. The Kentucky Association of Private Providers (KAPP) conducted a survey among its membership. Many providers indicated initial interest in becoming

- private auto providers. The KAPP survey results will be reviewed while updates are being made to the Transportation Cabinet's website. Communication with transportation brokers remains a concern.
 - New community members: Karen House and Cherri Reeves have joined.
 - Invitation extended for other Commission members or community members to join committee.
 - No recommendations submitted.
- **Health/Wellness**
 - Committee did not meet during the 2nd quarter.
 - No updates were available.
 - No recommendations submitted.
- **Participant-Directed Services**
 - Brandon Griffiths, Co-Chair provided update.
 - Participants, their families, and providers are anxious with waiver redesign efforts and the lack of information.
 - Workforce crisis
 - A national concern and one that demands the Cabinet's attention.
 - KAPP did promote legislation where the additional funding requested was a pass-through to Direct Support Professionals (DSPs). There is a need to explore career models and credentialing with increased salaries and funding incentives. Kentucky's previous work was an unfunded process.
 - Committee requested presentation from Bluegrass AAA related to their website as a way for people to find employees under the Consumer Directed Options (CDO)/PDS waiver options.
 - Committee preferred to utilize a Kentucky organization that could provide a Direct Support Professional (DSP) registry provided there is funding for development and sustainability of a statewide network.
 - The PDS Committee has drafted a recommendation to support this initiative for the Commission's consideration.
 - Technology assisted services is not being utilized in Kentucky.
 - Other states have moved to a more robust technology system with remote monitoring.
 - Kentucky needs to expand current service definitions to include innovative methods that helps with workforce issues and budgetary restrictions.
 - Committee submitted a Recommendation for consideration.
 - Recommendation accepted by the Commission. Motion made by Andrew Venetianer. Second by Missy McKiernan.
 - Recommendation delegated to the Department for Behavioral Health, Developmental & Intellectual Disabilities (DBHDID) for exploration and written response.

DMS UPDATE

- Lynne Flynn and Lori Gresham, Department for Medicaid Services provided updates.
 - Lynne announced her retirement. Lori Gresham will be serving on the HB 144 Commission as Commissioner Miller's designee.

- Waiver status
 - Michelle P Waiver (MPW)
 - Waiver renewal was published for public comment and submitted to CMS
 - The former waiver was withdrawn so additional changes can be made at the recommendation of CMS
 - A new version will be resubmitted as a placeholder until completion of waiver redesign
 - Approximately 250 slots available for allocation
 - The current wait list is based on a first-come/first served priority and there is no vetting for eligibility at the time of placement on the list; this is a result of how the original waiver was written
 - No slots are being held for MPW
 - The slots shown on paper are from previous biennium budget
 - Supports for Community Living (SCL)
 - Waiver renewal was approved by CMS and implemented April 1, 2017
 - Approximately 100 slots available for emergency allocations
 - Final Rule Implementation Update
 - CMS extended transition period to March 2022 for final compliance
 - Kentucky has worked on transition plan and continues communication with CMS; expect final approval of transition plan in near future
 - Evidence summaries submitted for 23 locations on heightened scrutiny; CMS is in a holding pattern and no date given for expected feedback
 - Heightened scrutiny stakeholder group will be organized for 2nd round of submissions
- Waiver Redesign
 - Broad goal is to:
 - Make the best use of resources and delivery services to meet needs,
 - Build a culture to empower individuals served,
 - Build relationships with collaborating partners, and
 - Ensure all efforts align with state and federal regulations
 - Navigant has started work
 - Experienced specifically in 1915c waivers;
 - Previous work in Kentucky specific to Medicaid programs in hospitals gives them familiarity with Kentucky's Medicaid system;
 - Conducting internal interviews within Cabinet with a specific focus on operational design;
 - Will be conducting focus group forums across state to meet with providers and consumers to gather information;
 - What is working?
 - What is not working?
 - Work from previous stakeholder group has been provided to Navigant
 - Stakeholders who previously participated in workgroup will be informed of focus group forums;
 - Intend to expand focus groups
 - Tentatively identified 10 areas for open forums; however, no decisions or tentative meeting dates have been made; DMS will work with DDID to notify HB 144 Commission members when arrangements are finalized.

COMMISSION MEMBER CONCERNS:

- Commission members expressed concerns related to the following:
 - Seemingly lack of transparency regarding the process being utilized by DMS in the redesign effort;
 - People will be told what the waivers will look like in lieu of people having input in the redesign efforts;
 - Concerns about different departments being given different information/direction, especially related to MWMA;
 - Lack of SCL slots available for individuals transferring from ICF/IID facilities if residential services are not being requested; and
 - Draining of crisis funding in some areas of the state due to lack of community based services.

PUBLIC COMMENTS

No one from audience requested to address the Commission.

IN CLOSING

- Deputy Secretary Feeley thanked everyone for attending and reminded Commission members of the meeting date change for September. The next quarterly meeting will be held on Friday, September 8th from 1:00 – 3:00 p.m. in the same location.
- Meeting adjourned at 3:00 pm.

****Minutes approved December 8, 2017****